

*KIRTON LAW FIRM*

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*Marlon G. Kirton, Esq.*

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*Nassau County:  
175 Fulton Avenue, Suite 305  
Hempstead, New York 11550  
Tel. # (516) 833-5617  
Fax # (516) 833-5620*

September 7, 2021

VIA FACSIMILE  
EX PARTE

Honorable Paul G. Gardephe  
United States District Judge  
Thurgood Marshall  
United States Courthouse  
Southern District of New York  
40 Foley Square  
New York, NY 10007

Re: *United States v. Alexei Saab*, 19 cr. 676 (PGG)

Dear Judge Gardephe:

I represent Alexei Saab in the above-referenced matter. The parties have fully briefed a motion to controvert the search warrant referenced during the oral argument. However, a portion of the Government's August 18<sup>th</sup> response was filed under seal because it was classified. The defense requests the appointment of CJA Attorney Deborah Colson to file all defense responses under the Classified Information Procedures Act (CIPA).

I have been unable to get a security clearance to file motions and briefs under CIPA. I contacted the Security Officer assigned to this case more than one year ago; however, I never received security clearance. This Court set a trial date of January 10, 2022. There is insufficient time for me to go through the security clearance protocol in a timely fashion. The Government has made several filings, in this case, pursuant to CIPA. The defense contends that the Government's August 18<sup>th</sup> response under seal prevents a full briefing by the parties concerning the Government's February 8, 2021, disclosure.

Ms. Colson is a member of the CJA Panel for the Southern District of New York (SDNY).<sup>1</sup> She is an experienced attorney, and she has security clearance. Ms. Colson has agreed to assist the defense on all matters related to CIPA. I have worked with her on at least one matter

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<sup>1</sup> Please see the attached cv.

in the SDNY. She is an intelligent and well-qualified attorney. The defense requests that Ms. Colson be appointed pursuant to 18 U.S.C. 3006A. The defense requests an initial allotment of 50 hours at \$155.00 per hour. I contacted Alan Nelson, the Second Circuit Budget Coordinator, concerning her appointment. He will submit a supplemental pretrial budget, should this Court appoint her as Associate Counsel. The defense requests that she be appointed to file and review all matters related to the Classified Information and Procedures Act. I believe this is a necessary and prudent use of government funds.

Please contact me if you have any questions or concerns.

Sincerely,

s/Marlon G. Kirton  
Marlon G. Kirton, Esq.

**DEBORAH COLSON**

147 W. 15<sup>th</sup> Street, #118, New York, N.Y. 10011  
(917) 543-6490, dcolson@colsonlaw.com

**EXPERIENCE****COLSON LAW PLLC, New York, NY**

March 2016-Present

*Principal*

Principal of litigation practice specializing in criminal defense. Represent individual clients in criminal and civil cases, regulatory matters, and white collar investigations. CJA panel member in the Southern and Eastern Districts of New York.

**COLSON & HARRIS LLP, New York, NY**

February 2010-February 2016

*Partner*

Founding partner of litigation practice specializing in criminal defense. Represent individual clients in criminal and civil cases, regulatory matters, and white collar investigations. Have conducted one federal felony jury trial to verdict and multiple hearings on motions to dismiss and suppress. Prevailed in federal civil case, following an evidentiary hearing, on behalf of client petitioning for derivative U.S. citizenship. Represented client charged with federal murder and racketeering conspiracy in the Southern District of New York and have appealed the sentence to the Second Circuit Court of Appeals. FBI security clearance. CJA panel member in the Southern and Eastern Districts of New York.

**BRUNE & RICHARD LLP, New York, NY**

May 2009-December 2009

*Attorney*

Worked with team of lawyers preparing for federal conspiracy and securities fraud trial in the Eastern District of New York in the case of *United States v. Ralph Cioffi and Matthew Tannin*, 08-CR-415 (FB). Researched, wrote, and edited legal memoranda and motions. Assisted with fact development, construction of legal arguments, and trial strategy.

**HUMAN RIGHTS FIRST, New York, NY**

October 2007-April 2009

*Acting Director, Law & Security Program (Dec. 2008-present)**Senior Associate, Law & Security Program (Oct. 2007-Nov. 2008)*

Researched, wrote, and edited investigative reports, policy papers, legal memoranda, and press materials. Authored "The Case Against A Special Terrorism Court" (March 2009) and "Tortured Justice: Using Coerced Evidence to Prosecute Terrorist Suspects" (April 2008). Managed program's Guantanamo monitoring and advocacy efforts by recruiting and supervising volunteer observers, coordinating amicus briefings, writing and editing policy papers and press materials, and serving as a volunteer hearing observer. Developed and managed coalition of former federal prosecutors to assist with advocacy efforts against preventive detention and national security courts for terrorism cases. Supervised all program staff, formulated and executed program plans, administered program budget, edited grant proposals. Oversaw program coordination with legislative advocacy efforts of the Washington office. Organized conferences and panels.

**FEDERAL DEFENDERS OF NEW YORK INC., Brooklyn, NY**

July 2001-October 2006

*Assistant Federal Defender*

Represented indigent clients charged with a variety of federal offenses, including fraud, computer-related offenses, immigration crimes, drug offenses, and violent crimes. Handled all aspects of litigation in the United States District Court, Eastern District of New York, including plea negotiations, cooperation agreements, legal motions, evidentiary hearings, and jury trials. Conducted five felony jury trials to verdict and multiple hearings on motions to dismiss and suppress. Served as lead counsel in a death-eligible murder case and convinced the government not to seek the death penalty. Supervised teams of lawyers, investigators, paralegals and law students.

**BRONX DEFENDERS, Bronx, NY**

January 2001-July 2001

*Staff Attorney*

Represented indigent clients charged with armed robbery, attempted murder, assault, drug sales, and other felony offenses. Handled all aspects of litigation in Bronx Supreme and Criminal Courts. Worked with teams of lawyers, investigators, and social workers. Served as lead counsel in one felony jury trial.

**NEIGHBORHOOD DEFENDER SERVICE, New York, NY****April 1999-December 2000***Staff Attorney*

Represented indigent clients charged with armed robbery, attempted murder, drug sales, and other felony offenses. Handled all aspects of litigation in New York Supreme and Criminal Courts. Served as co-counsel at a dispositive hearing on a motion to suppress statements in a second-degree murder case. Conducted five felony jury trials, one misdemeanor jury trial, and more than ten hearings on motions to dismiss and suppress. Attended National Criminal Defense College in Macon, Georgia.

**U.S. DISTRICT COURT, The Honorable Nina Gershon, Brooklyn, NY****December 1997-March 1999***Law Clerk*

Assisted judge in preparing for oral arguments and in drafting written opinions. Worked on civil and criminal cases covering a wide range of topics, including constitutional, contracts, civil rights and habeas law.

**COMMITTEE FOR PUBLIC COUNSEL SERVICES, Cambridge, MA****September 1995-October 1997***Staff Attorney*

Represented indigent clients charged with felony and misdemeanor offenses in all aspects of litigation in Middlesex Superior and East Cambridge District Courts. Conducted eight jury trials, three bench trials and multiple hearings on motions to dismiss and suppress. Served as co-counsel in attempted murder case.

**EDUCATION****HARVARD LAW SCHOOL, Cambridge, MA****1995-J.D.****Honors:** *cum laude*

Kaufman Fellowship for outstanding public interest work, 1995 and 1996

**Activities:** Civil Rights-Civil Liberties Law Review, Executive Editor

**Article:** "Safe Enough to Learn: Placing an Affirmative Duty of Protection on Public Schools under 42 U.S.C. §1983," 30 Harvard Civil Rights-Civil Liberties Law Review 169 (1995).

**WESLEYAN UNIVERSITY, Middletown, CT****1991-B.A.**

Degree in history with honors

**UNIVERSIDAD IBEROAMERICANA, Mexico City, Mexico****Spring Semester 1990**

Coursework in Latin American literature and history. All courses conducted in Spanish.

**OTHER**

Member of New York and Massachusetts bars

Admitted in the Second Circuit and the Southern and Eastern Districts of New York

Board Vice Chair, National Dance Institute

Proficient in Spanish